

**Introduced by Senator Hill**

February 27, 2015

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An act to ~~add Chapter 11 (commencing with Section 33700) to Division 10 of Title 4 of Part 6 of the Penal Code,~~ relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 678, as amended, Hill. User-authorized firearms.

Existing law generally regulates deadly weapons, including firearms. ~~Existing law generally requires any firearm sold or transferred in this state to include or be accompanied by a firearm safety device.~~

~~This bill would make it a misdemeanor for a person to sell, lend, or give a user-authorized firearm that does not meet specified requirements. The bill would define a user-authorized firearm as a firearm that will only fire when activated by an authorized user. The bill would require that user-authorized firearms meet certain requirements and be tested and certified by the United States Army Armament Research, Development and Engineering Center. By creating a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*This bill would direct the Department of Justice to, among other things, assess market conditions and the barriers to the market for user-authorized firearms in the state, investigate methods to increase the availability and use of user-authorized firearms in the state, and*

*make recommendations on manufacturer performance and reliability standards and how those standards should be tested for user-authorized firearms. The bill would require the department to convene a working group of specified representatives to offer recommendations for the requirements described above. The bill would require the department to report its findings to the Legislature on or before January 1, 2017.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1     SECTION 1. (a) *The Department of Justice shall do all of the*  
2     *following:*  
3     (1) *Survey the state of the current user-authorized firearm*  
4     *industry.*  
5     (2) *Assess market conditions and the barriers to the market for*  
6     *user-authorized firearms in the state.*  
7     (3) *Investigate methods to increase the availability and use of*  
8     *user-authorized firearms in the state.*  
9     (4) *Make recommendations on manufacturer performance and*  
10    *reliability standards and how those standards should be tested for*  
11    *user-authorized firearms.*  
12    (b) *The department shall convene a working group in 2016 to*  
13    *provide recommendations on the requirements of subdivision (a).*  
14    *The working group shall consist of, but not be limited to,*  
15    *representatives of the following:*  
16    (1) *Law enforcement.*  
17    (2) *Firearm manufacturers.*  
18    (3) *The military.*  
19    (4) *Firearm testing laboratories.*  
20    (5) *Firearm safety advocacy organizations.*  
21    (6) *Firearm dealers.*  
22    (7) *User-authorized firearm manufacturers.*  
23    (8) *User-authorized technology research and development*  
24    *entities.*  
25    (9) *Members of the public.*  
26    (c) *The department shall report its findings to the Legislature*  
27    *on or before January 1, 2017, in compliance with Section 9795 of*  
28    *the Government Code.*

1     ~~SECTION 1. Chapter 11 (commencing with Section 33700)~~  
2 ~~is added to Division 10 of Title 4 of Part 6 of the Penal Code, to~~  
3 ~~read:~~

4  
5             ~~CHAPTER 11. USER-AUTHORIZED FIREARMS~~  
6

7     ~~33700. As used in this chapter, a “user-authorized firearm”~~  
8 ~~means any firearm, interchangeably referred to as an~~  
9 ~~owner-authorized firearm, intelligent firearm, or smart firearm,~~  
10 ~~that incorporates technology within its design and that is integral~~  
11 ~~to the firearm, whether part of its original manufacture or~~  
12 ~~retrofitted, that renders the firearm incapable of being fired except~~  
13 ~~when activated by the lawful owner or other users authorized by~~  
14 ~~the lawful owner. The technology may include, but is not limited~~  
15 ~~to, biometrics, radio frequency tagging, touch memory, fingerprint~~  
16 ~~recognition, palm print recognition, grip recognition, magnetic~~  
17 ~~encoding, retinal recognition, iris recognition, and other means of~~  
18 ~~utilizing biometric or electronic systems.~~

19     ~~33701. (a) A person who keeps for sale, offers or exposes for~~  
20 ~~sale, or gives, lends, sells, a user-authorized firearm that does not~~  
21 ~~meet the requirements of subdivision (b) is guilty of a~~  
22 ~~misdemeanor.~~

23     ~~(b) (1) A user-authorized firearm shall meet all of the following~~  
24 ~~requirements:~~

25     ~~(A) The firearm shall not fail to recognize the authorized user,~~  
26 ~~and shall not falsely recognize an unauthorized user, more than~~  
27 ~~one time per 1,000 recognition attempts.~~

28     ~~(B) The time from first contact with the authorized user to use~~  
29 ~~recognition and firearm enablement shall be no more than 0.3~~  
30 ~~seconds.~~

31     ~~(C) The time from loss of contact with the authorized user to~~  
32 ~~disablement shall be no more than 0.3 seconds.~~

33     ~~(D) Enabling authorized user information shall be stored in the~~  
34 ~~firearm as a permanent memory that is restored when power is~~  
35 ~~restored.~~

36     ~~(E) The firearm shall be capable of use by more than one~~  
37 ~~authorized user and, if the firearm uses hand recognition~~  
38 ~~technology, it shall recognize either of the authorized user’s hands.~~

39     ~~(2) (A) The firearm shall be submitted to a laboratory certified~~  
40 ~~by the United States Army Armament Research, Development and~~

1 Engineering Center (ARDEC) for testing and evaluation of all the  
2 various components of the engineered system of the firearm;  
3 including the firing mechanism, ammunition, safety mechanisms,  
4 electrical, and power components.

5 (B) The firearm shall be certified by ARDEC as reliably  
6 performing its intended functions and meeting all of the criteria  
7 standards specified in paragraph (1).

8 (C) The firearm shall be certified by ARDEC as having a proven  
9 system in its final form at a technology readiness level 9 as defined  
10 by the United States Department of Defense in its April 2011  
11 Technology Readiness Assessment Guidance.

12 (e) A user-authorized firearm that is a handgun shall also comply  
13 with the requirements of Article 4 (commencing with Section  
14 31900) of Chapter 4 and Article 5 (commencing with Section  
15 32000) of Chapter 4.

16 (d) A user-authorized firearm that satisfies the requirements of  
17 this chapter shall not be required to comply with Division 2  
18 (commencing with Section 23620).

19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.